

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GALE BEEMAN #227048,

Plaintiff,

Case No. 1:16-CV-27

v.

HON. GORDON J. QUIST

DANIEL HEYNS, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

On February 28, 2017, Magistrate Judge Carmody issued a Report and Recommendation recommending that the Court grant in part and deny in part the MDOC Defendants' motion for summary judgment based on Plaintiff's failure to exhaust and grant Defendant Davenport's motion for summary judgment based on Plaintiff's failure to exhaust. The Report and Recommendation was duly served on the parties on February 28, 2017. No objections have been filed pursuant to 28 U.S.C. § 636(b). Accordingly, the Court will adopt the Report and Recommendation. Therefore,

IT IS HEREBY ORDERED that the February 28, 2017, Report and Recommendation (ECF No. 34) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the MDOC Defendants' Motion for Summary Judgment Based on Plaintiff's Failure to Exhaust Administrative Remedies (ECF No. 18) is **GRANTED IN PART AND DENIED IN PART**. The motion is **denied** with regard to Plaintiff's legal mail claim against Defendant Bengelink and Plaintiff's retaliation claim against Defendant Thomas and **granted** as to all other claims, which are **dismissed without prejudice**.

IT IS FURTHER ORDERED that Defendant Davenport's Motion For Summary Judgment Based on Plaintiff's Failure to Exhaust Administrative Remedies (ECF No. 21) is **GRANTED**, and Plaintiff's claims against Defendant Davenport are **dismissed without prejudice**.

Dated: March 17, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE